

House Engrossed

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
First Regular Session  
2017

**CHAPTER 27**  
**HOUSE BILL 2085**

AN ACT

AMENDING SECTION 13-607, ARIZONA REVISED STATUTES; RELATING TO SENTENCING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-607, Arizona Revised Statutes, is amended to  
3 read:

4 13-607. Judgment of guilt and sentence document; fingerprint;  
5 contents of document; recitations

6 A. At the time of sentencing a person convicted of a felony  
7 offense, A VIOLATION OF SECTION 13-1802 OR 13-1805, a domestic violence  
8 offense as defined in section 13-3601 or a violation of chapter 14 of this  
9 title or title 28, chapter 4, the court shall execute a judgment of guilt  
10 and sentence document or minute order as prescribed by this section.

11 B. The court or a person appointed by the court shall at the time  
12 of sentencing and in open court either permanently affix a defendant's  
13 fingerprint to the document or order or obtain and record the defendant's  
14 two fingerprint biometric-based identifier in the court case file.

15 C. The document or order shall recite all of the following in  
16 addition to any information deemed appropriate by the court:

17 1. The defendant's full name and date of birth.

18 2. The name of the counsel for the defendant or, if counsel was  
19 waived, the fact that the defendant knowingly, voluntarily and  
20 intelligently waived the defendant's right to counsel after having been  
21 fully apprised of the defendant's right to counsel.

22 3. The name, statutory citation and classification of the offense.

23 4. Whether there was a finding by the trier of fact that the  
24 offense was of a dangerous or repetitive nature pursuant to section 13-703  
25 or 13-704 or was committed while released from confinement pursuant to  
26 section 13-708.

27 5. Whether the basis of the finding of guilt was by trial to a jury  
28 or to the court, or by plea of guilty or no contest.

29 6. That there was a knowing, voluntary and intelligent waiver of  
30 the right to a jury trial if the finding of guilt was based on a trial to  
31 the court.

32 7. That there was a knowing, voluntary and intelligent waiver of  
33 all pertinent rights if the finding of guilt was based on a plea of guilty  
34 or no contest.

35 8. A certification by the court or the clerk of the court that at  
36 the time of sentencing and in open court that either the defendant's  
37 fingerprint was permanently affixed to the document or order or the  
38 defendant's two fingerprint biometric-based identifier was obtained and  
39 recorded in the court case file.

40 D. The document or order shall be made a permanent part of the  
41 public records of the court, and the recitations contained in the document  
42 or order are prima facie evidence of the facts stated in the recitations.

43 E. If the supreme court has authorized the clerk of the court to  
44 maintain an electronic court record, the clerk may maintain only an  
45 electronic reproduction or image of the original document or order.

**APPROVED BY THE GOVERNOR MARCH 21, 2017.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2017.**

Passed the House February 1, 20 17

Passed the Senate March 13, 20 17

by the following vote: 40 Ayes,

by the following vote: 30 Ayes,

20 Nays, 0 Not Voting

0 Nays, 0 Not Voting

[Signature]  
Speaker of the House

☐ Pro Tempore

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

15th day of March, 20 17

at 4:02 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 21st day of

March, 20 17

at 10:33 o'clock A. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of March, 20 17

at 4:51 o'clock P. M.

[Signature]  
Secretary of State

H.B. 2085